

2008 Hawaii Legislative Session

Disability-Related Bills

(as of February 29, 2008)

DCAB's Legislative Committee meets weekly to review and take positions on disability-related measures introduced when the Hawaii Legislature is in session. The current session began on January 16, 2007 and continues until May 1, 2008. Friday, February 29, 2008 was first decking. All bills must be referred out of all of their committees by Friday to remain alive for consideration. The bills remaining will crossover to the non-originating body on Thursday, March 6, 2008 for another round of hearings.

Disability-related bills and resolutions are reviewed by the subject matter categories and are listed below. Bills are listed by category with the bill number, title and brief description; however, DCAB positions have not been provided.

For bill status or to review text of specific bills or resolutions, visit the Capitol web site at www.capitol.hawaii.gov, select the "Bill Status" link and type in the number of the bill.

This list will be updated on a regular basis during the session. For more information about DCAB positions on any of the bills listed, contact Debbie Jackson at the DCAB office at (808) 586-8121 v/tty.

a. Parking for Persons with Disabilities

- HB 2328 – Relating to Parking for Persons with Disabilities. Allows nursing facilities to apply for and receive removable windshield placards for their vehicles that are used solely for transporting nursing facility patients for the purpose of parking in spaces reserved for persons with disabilities.
- HB 2430/SB 2564 – Relating to Parking for Disabled Persons. Allows nursing facilities to apply for and receive removable windshield placards for their vehicles that are used solely for transporting nursing facility patients for the purpose of parking in spaces reserved for persons with disabilities.
- HB 2854 – Relating to Parking for Persons with Disabilities. Makes vehicles owned and operated by nursing facilities eligible for disabled parking license plates, placards, and identification cards.
- SB 2195 – Relating to Parking for Disabled Persons. Allows companies or facilities that transport disabled persons to qualify for removable windshield placards and license plates that designate approved use of disabled parking stalls.
- SB 2445 – Relating to Parking for Disabled Persons. Allows nursing facilities to apply for and receive removable windshield placards for their vehicles that are used solely for transporting nursing facility patients for the purpose of parking in spaces reserved for persons with disabilities.
- SB 2636 - Relating to Transportation. Allows issuance of temporary removable windshield parking placards for women in their third trimester of pregnancy. Makes appropriation to the counties.
- SB 3198 – Relating to Disabled Persons. Permits disabled persons with the proper windshield placards obtained under chapter 291, part III, Hawaii Revised Statutes, to use high occupancy vehicle lanes.

b. Non-discrimination Against Persons with Disabilities/Civil Rights

- HB 600, HD1, SD2/SB 625, SD1 - Relating to Court Interpreters. Requires the Judiciary to certify court interpreters and to appoint and use certified interpreters in legal proceedings.
- HB 2575, HD2/SB 2395, SD2 – Relating to Language Access. Clarifies definitions related to language access. Requires certain entities to file a language access plan and appoint a language access coordinator. Expands the Language Access Advisory Council from 11 to 15 members.
- HB 2896 – Making an Appropriation for the Statewide Language Access Bank. Establishes a statewide language access bank in the Department of Labor and Industrial Relations to centralize interpretation and translation services for State agencies and covered entities. Makes an appropriation.
- HB 2446 – Making an Appropriation for the Establishment of a Statewide Language Access Bank. Appropriates funds to establish a statewide language access bank to help State agencies and other covered entities provide meaningful access to essential government services to limited English proficient persons.
- SB 2562, SD2 – Relating to Voting. Authorizes permanent absentee voting. Makes appropriations.
- SCR 13/SR 7 – Requesting the Clerk of Each County to Mail Absentee Ballots in a Timely Manner to Promote Informed Voting.

c. Taxation/Tax Credits for Persons with Disabilities

- HB 2113, HD1 – Relating to Taxation. Provides a tax credit to caregivers who care for qualified care recipients.
- HB 2197, HD1/SB 2049, SD1 – Relating to Taxation. Provides a tax credit to taxpayer caregivers who care for qualified care recipients.
- HB 3031, HD1 – Relating to Taxation. Establishes an income tax credit for care home operators who make modifications to their home to increase accessibility for their clients.
- SB 2047, SD3/HB 2200, HD1 – Relating to Taxation. Establishes an income tax credit for taxpayers who make modifications to their home to increase accessibility for individuals with disabilities or special needs.
- SB 2049, SD1 – Relating to Taxation. Provides a tax credit to taxpayer caregivers for qualified care recipients.
- SB 2188 – Relating to Motor Vehicles. Establishes that motor vehicles owned and operated by persons with a disability and used for personal transportation are noncommercial motor vehicles.
- SB 2349 – Relating to Exemption from General Excise Tax. Exempts from the general excise tax, amounts received for selling assistive devices. Defines assistive devices.
- SB 3111, SD1 – Relating to Taxation. Provides an additional exemption for those with a dependent aged 18 and under with adjusted gross incomes of \$200,000 or less. Modifies and increases the child and dependent care credit.
- SB 3117/HB 3195 – Relating to Tax Credit. Provides a refundable income tax credit for up to 50% of costs incurred in retrofitting a primary residence for purposes of accommodating aging and disability access.

d. Education

- HB 1504, HD1, SB 606, SD1 – Relating to Blind Person’s Literacy Rights and Education Act. Assures that the individualized education program of each blind or visually impaired child includes provisions for instruction in Braille and the use of Braille appropriate to the child's current and future literacy needs. Establishes standards of proficiency and instruction. Requires that publishers who sell educational textbooks to the State provide electronic versions in Braille. Requires teachers certified in the education of blind and visually impaired children to be competent in reading and writing Braille, as part of the teachers' certification and renewal process. (2007 carryover bill)
- HB 2186, HD1/SB 2004, SD2 – Relating to Education. Extends the deadline within which to file a request for a due process hearing relating to the education of a child with a disability from 90 days to 2 years when the request is for reimbursement for costs of a child’s placement. Requires the DOE to adopt rules that provide for reimbursement of expert witness and other relevant fees and expenses associated with a hearing. Requires the establishment of an appeals board and process wherein a state review officer shall review the decisions of the impartial hearings officer.
- HB 2435, HD2 – Relating to Early childhood Education. Requires the DOE to increase opportunities for special needs preschoolers to interact with their non-disabled peers. Appropriates funds.
- HB 2897, HD1 – Making an Appropriation for Asset Building. Establishes three-year pilot project within the department of human services to conduct and expand asset building classes statewide to serve individuals with disabilities and the parents of children with a disability.
- SB 2122/HB 2029 – Relating to Education. Establishes a Special Education Advisory Council (SEAC) as a governor appointed body.
- SB 2466, SD1 – Relating to Early Childhood Education. Requires the department of education to increase opportunities for special needs preschoolers to interact with their non-disabled peers. Appropriates funds.
- SB 2879, SD2 – Relating to Education. Establishes a power of attorney for special education; establishes the process to appoint a surrogate decision maker for an adult student that lacks capacity; and clarifies the authority of a guardian for an adult student.

e. Community-Based Services for Persons with Disabilities - Non-Appropriation

- HB 2001, HD2 – Relating to Telepharmacy. Permits the operation of remote dispensing pharmacies.
- HB 2022, HD1 – Relating to Children’s Health. Provides a means for childhood screening required for entry into school, from birth to eight years of age, and establishes the early Childhood Screening Program Advisory Committee.
- HB 2286, HD1/SB 2127 – Relating to Epilepsy Disease Assistance. Creates an epilepsy network task force to establish a program to link networks on epilepsy, provide epilepsy education, awareness, and treatment initiatives designed to address service gaps and treatment needs of the people affected by epilepsy.
- HB 2727, HD2/SB 2532 – Relating to Health Insurance. Requires all health insurers, mutual benefit societies, and health maintenance organizations to provide mandatory coverage for all policyholders, member, subscribers, and

individuals under age 21 for the diagnosis and treatment of autism spectrum disorders beginning 1/1/2009.

- HB 3127, HD1/SB 3049 – Relating to Adult Protective Services. Expands authority to investigate allegations of abuse, neglect, and financial exploitation of vulnerable adults.
- HB 3128, HD1/SB 3050, SD1 – Relating to Adult Protective Services. Expands the list of persons mandated to report known or suspected abuse of vulnerable adults to include caregivers and the entity or agency designated by the Governor to provide advocacy services to persons with developmental disabilities and mental illness.
- HB 3129, HD1/SB 3051, SD2 – Relating to Criminal History Background Checks for Social Service Programs. Authorizes the Department of Human Services or its designee to conduct criminal history record checks for those providing services to vulnerable adults and children.
- HCR 15/SCR 38 - Requesting the Auditor to Assess the Social and Financial Effects of Requiring Health Insurers to Offer Coverage for Hearing Aids.
- HCR 62 - Requesting the Auditor to Assess the Social and Financial Effects of Requiring Health Insurers to Provide Coverage for Diagnosis and Treatment of Autism Spectrum Disorders.
- SB 2108, SD1 – Relating to Public Procurement. Establishes a preference to bidders who employ persons with disabilities or recipients of income payments under public assistance programs.
- SB 2290, SD1 – Relating to the Developmental Disabilities Advocacy System. Authorizes the Governor to appoint 2 members from lists of nominees submitted by the Senate President and Speaker of the House of Representatives, to the governing board of the State's advocacy system for persons with developmental disabilities, organized as a nonprofit entity under 42 United States Code Section 15044.
- SB 2415/HB 2411 – Relating to Psychologists. Authorizes prescriptive authority for qualified psychologists who practice at a federally qualified health center.
- SB 2435, SD2- Relating to Qualified Community Rehabilitation Programs. Exempts positions and personal services contracts with a qualified community rehabilitation program, which last for no more than one year, from the county civil service law; provided that the cost does not exceed \$1,000,000.
- SB 2930 – Relating to Adult Residential Care Homes. Clarifies licensure requirements for adult residential care homes, specifically that county building codes, state that the 1,000 foot zone between group living facilities, apply to type I and type II facilities licensed under part I of chapter 321.
- SB 2044, SD1 – Relating to Caregivers. Amends the temporary disability insurance law to permit an eligible employee to collect up to four weeks of temporary disability insurance benefit payments to care for a family member with a qualifying disability. Effective 07/01/09.
- SCR 23 – Requesting Internet Service Providers to Provide Free Internet Services to Individuals with Disabilities.
- SCR 35 – Requesting the Executive Office on Aging, the Department of Health, and the Department of Human Services to Conduct a Collaborative Study and Make Recommendations Relating to Infrastructure Deficiencies in the Accessibility and Availability of Care Services and Facilities for Seniors, Veterans, and Persons with Disabilities in the State.

- SCR 37, SD1 - Requesting the Legislative Reference Bureau to Conduct a Feasibility Study to Establish a Comprehensive Vocational Rehabilitation Center for Persons who are Deaf and Hard of Hearing.

f. Community-Based Services for Persons with Disabilities – Appropriation

- HB 2000/SB 2052, SD1 - Relating to Health Insurance. Requires that hearing aid devices be included in mandatory insurance coverage for Medicaid and private health insurance.
- HB 2136 – Relating to Care Homes. Increases payments for level of care for ARCH types I and II, licensed developmental disabilities domiciliary homes, community care foster homes, and certified adult foster homes by 7% from \$641.90 to \$688.83 for Level I and from \$749.90 to \$802.39 for Level II beginning on July 1, 2008. Makes an appropriation.
- HB 2541 – Making an Appropriation for Hospital-based Dentistry Services in the County of Hawaii. Appropriates funds to establish a project at the Hamakua Health Center to ensure that hospital dentistry services for acute care are available to the County of Hawaii's most vulnerable citizens.
- SB 2352, SD1 – Relating to Temporary Assistance for Needy Families. Directs the Department of Human Services to establish a three-year pilot project, beginning with fiscal year 2008-2009, to conduct and expand asset building classes statewide to serve individuals with disabilities and parent of children with a disability in developing skills.
- HB 3130, HD1/SB 3052, SD1 – Relating to Community Care Foster Homes. Establishes a grant program to assist operators of community care foster family homes and increases capacity for cost effective home and community based services for elderly and disabled Medicaid clients.
- SB 2051, SD1/HB1999, HD1 - Relating to Health. Appropriates funds for hearing and vision screening for newborns, children, and teenagers.
- SB 2050, SD1/HB 1998, HD1 - Relating to the Number of Blind, Deaf, and Deaf-Blind Persons in the State of Hawaii. Appropriates funds for a survey of the number of blind, deaf, and deaf-blind persons in the State of Hawaii.
- SB 2053/HB 2422 – Relating to Services for the Disabled. Establishes Internet access for the disabled program to offer free Internet Access for the Disabled Program under HRS §348F. Appropriates unspecified amount of funds.
- SB 2079 – Relating to Libraries. Makes appropriation for the Hawaii State Library for the Blind and Physically Handicapped.
- SB 2150, SD2 – Relating to Adult Protection. Expands the adult protective services law by extending protections to vulnerable adults. Appropriates funds to the Department of Human Services.
- SB 2604 – Making an Appropriation for the Legislative Broadcast Program. Appropriates funds for closed captioning for legislative broadcasts.
- SB 2830, SD1/HB 2196, HD1 – Relating to Caregiving. Extends the joint legislative committee on family caregiving; changes the committee's name to the joint legislative committee on aging in place; expands the committee's mandate to include aging in place issues related to family caregiving; requires the aging and disability resource center to report to the committee; requires the joint legislative committee to conduct a cash and counseling project; appropriates funds to the joint legislative committee; allows kupuna care to include overnight,

weekend, and emergency respite, as well as provide grants to caregivers and for home modification; appropriates funds to the kupuna care program.

g. Long Term Care, Medicaid, QUEST

- SB 2541, SD1 – Relating to Dental Care. Expands coverage under the State's Medicaid and QUEST programs to include comprehensive dental care for adults and appropriates funds to provide the additional coverage. Establishes a pilot program in the County of Hawaii relating to hospital dentistry for the developmentally disabled community and appropriates funds. Establishes a task force.
- SB 2543, SD1 - Relating to Dental Health. Appropriates funds to the Department of Health for the establishment or expansion of community-based dental health clinics that are operated by federally qualified health centers to provide a continuum of dental care to Medicaid and QUEST-eligible adults and children, the developmentally disabled, and the uninsured.

h. Injury Prevention

- HB 2364, HD1 – Relating to the Safety of Minors on All-Terrain Vehicles. Mandates use of safety helmets by minors when riding all-terrain vehicles. Prohibits the lease, rent, loan, or sale of all terrain vehicles to minors unless a safety helmet is provided to the operator. Effective 07/01/2020.
- SB 2550 – Relating to Hybrid Quiet Cars. Requires the Department of Transportation to establish minimum sound level standards for all phases of hybrid vehicle operation, applicable to every new vehicle sold in this State and licensed for use on its public streets, roadways, or highways; report to 2009 Legislature on findings.

i. Assisted Suicide

- SB 2928 – Relating to the Right of Conscience. Establishes a right of conscience for healthcare providers, institutions, and payers who do not want to participate, provide, or pay for medical services that violate their conscience, including abortions, artificial birth control, artificial insemination, assisted reproduction, human cloning, euthanasia, human embryonic stem cell research, fetal experimentation, physician assisted suicide, and sterilization.

j. Building Codes/Design

- HB 1938 – Relating to Persons with Disabilities. Requires all present and future state and county restrooms available to the public with facilities for persons with disabilities to provide baby changing stations. (carryover bill from 2007 session)
- HB 2853 – Relating to the State Building Code. Prohibits counties from reducing the required number of toilet facilities for public use in commercial spaces intended for public use.
- SB 2046/HB 2120 – Relating to Multi-Unit Residential Buildings. Requires regular surveys of residents of multi-unit residential buildings on specific needs and issues relating to medical needs, accommodations for the disabled, and other special needs for emergency preparation purposes. Requires multi-unit residential buildings to have and inform their residents of emergency evacuation plans.

k. Emergency Preparedness

- HB 2109 – Relating to Emergency Preparedness. Establishes a statewide task force to advise the Civil Defense Division of the state Department of Defense on the needs of individuals with disabilities and special health needs.
- HB 2519, HD 2, Relating to Health Care. Establishes the Hawaii Health Corps Program to provide student loan repayments and physician and dentist stipends, and makes the enterprise zones business tax credit and general excise tax credit exemption available to physicians and dentists who practice in enterprise zones that are in health professional shortage areas of the State and areas designated by the Department of Health. Requires participants in the Hawaii Health Corp Program to serve as first responders in times of civil defense or other emergencies declared by the Governor.
- HB 3091/SB 3013, SD1 – Relating to Loss Mitigation. Repeals and replaces the loss mitigation grant program with a wind resistive devices tax credit.
- HCR 29/HR 29 – Requesting the State Department of Defense to Convene a Statewide Task Force to Advise the Civil Defense Division on the Needs of Individuals with Disabilities and Special Health Needs.
- HCR 74 – Requesting the Department of Defense to Develop a Strategic Plan, in Consultation with Appropriate State and County Agencies, to Increase the Number of Level II Shelters Available in an Emergency to Individuals with Level II disabilities and Special Health Needs in the State.
- SB 788, SD2 – Relating to Civil Defense. Extends lapsing date of certain appropriations relating to civil defense disaster relief from 6/30/2008 to 6/30/2009. (2007 carryover bill)
- SB 796, SD2 – Relating to Civil Defense. Requires the counties to condition the approval of permits for the construction of new residential housing in tsunami inundation zones on the installation of tsunami warning sirens. Appropriates funds for the State Civil Defense Emergency Supply Program to equip emergency shelters. Requires the disability communications access board to identify internationally recognized symbols to be used in the event of a disaster or emergency to communicate notices to persons that do not understand verbal or written communications.
- SB 2107, SD1 - Relating to Disaster Preparedness. Establishes a disaster planning and preparedness consumer advisory board to review existing and develop new policies and plans that address the needs of the elderly and disabled members of the community in the event of a man-made or natural disaster. Makes an appropriation.
- SB 2111 – Relating to Loss Mitigation. Provides a tax credit for individuals who install wind resistive devices, as defined by the director of taxation, in a noncommercial dwelling located in Hawaii that is owned by the taxpayer. Repeals the loss mitigation grant program. Makes an appropriation.
- SB 2351 – Relating to Emergency Preparedness. Establishes a statewide task force to advise the Civil Defense Division of the State Department of Defense on the needs of individuals with disabilities and special health needs.
- SB 3034, SD1/ HB 3112 – Relating to Civil Defense. Supports State Civil Defense's Shelter-in-Place initiatives by exempting civil liability for care homes and schools, in addition to hotels, during an officially designated emergency.
- SCR 18/SR 12 - Requesting the State Department of Defense to Convene a

Statewide Task Force to Advise the Civil Defense Division on the Needs of Individuals with Disabilities and Special Health Needs.

- SR 17 – Requesting the Auditor to Conduct a Financial and management Audit of the Department of Defense, Civil Defense Division, and to Report on Federal Government Initiatives to Shift Disaster Preparedness, Disaster Relief, and Homeland Security Costs to State and Local Governments.

I. Other

- HB 1968, HD1/SB 2295, SD1 – Relating to Public Meeting. Permits board members, numbering less than quorum, to: (1) discuss their individual positions related to official board business at other board meets and legislative public hearing; (2) attend and participate in discussions at presentations, such as community meetings; and (3) discuss membership to a board's committees in private. Requires a quorum for discussion prior and related to voting and for voting to validate board actions.
- HB 2216, HD1/SB 2174 – Relating to Public Meetings. Allows any number of public board members constituting less than a quorum to discuss official board business outside of a duly noticed public meeting to enable them to perform their duties. Effective 01/01/2112.
- HB 2581, HD1 – Relating to Long-Term Care Facilities. Improves accessibility to and availability of adult residential care homes and long-term care facilities in Hawaii by establishing the Home and Community Based Services Care Home and Long-Term Care Home Facility Repair and Renovation Loan Guarantee Program to provide loans to repair and renovate facilities. Appropriates funds for the program.
- HB 3352, HD2/SB 2758, SD1 – Relating to an Audit of the Hawaii Disability Rights Center. Directs the auditor to perform a financial and management audit of the Hawaii Disability Rights Center to protect its vulnerable clientele and to ensure that state funds are being spent in accordance with applicable laws.
- SB 2363, SD2 – Relating to Sexual Assault. Amends Hawaii Penal Code to make sexual assault against a person who is mentally defective a "strict liability" offense.
- SB 2396, SD1 – Relating to Mental Health. Makes assault of a person employed at a state-operated or contracted mental health facility a class C felony.
- SB 2524, SD1 – Relating to Prisons. Creates separate forensic treatment facilities within all community correctional centers. Ends practice of housing mentally ill prisoners in solitary confinement and with general prison population.